



ILLINOIS DEPARTMENT OF
Human Rights



When President Obama proclaimed June to be Lesbian, Gay, Bisexual and Transgender Pride Month, he “call[ed] upon the people of the United States to eliminate prejudice everywhere it exists, and to celebrate the great diversity of the American people.” On a daily basis, the U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity and the Illinois Department of Human Rights under Governor Quinn’s administration work as partners to make those aspirations the reality in Illinois by working to eliminate housing discrimination based on sexual orientation and gender identity.

We have made progress as a society, but there is still discrimination. In 2011, the National Gay and Lesbian Task Force and the National Center for Transgender Equality publicized the results of a survey of 6,450 transgender individuals. A staggering 19 percent of respondents reported being refused a home or apartment because of gender identity and 11 percent reported eviction because of gender identity. An alarming nineteen percent of the transgender respondents reported experiencing homelessness at some point in their lives and, when trying to access homeless shelters, over half reported outright denials, harassment, or sexual assault in the shelter context. Similarly, findings of a 2007 Michigan study indicate that same sex couples face high rates of bias and discriminatory treatment based on sexual orientation when trying to access rental housing. And we know that up to 40 percent of homeless youth identify as LGBT.

In a nation founded on the principles of justice and equality for all, this is unacceptable. Recently, HUD and the Illinois Department of Human Rights have taken important steps to ensure that LGBT persons have equal access to housing.

HUD now utilizes its authority under the federal Fair Housing Act’s prohibition of sex discrimination to pursue complaints of gender identity housing discrimination. In February, HUD also leveraged its rule-making authority by publishing “Equal Access to Housing”, a regulation that prohibits HUD-funded and HUD-insured housing providers as well as FHA-approved lenders from basing eligibility determinations on actual or perceived gender identity, sexual orientation or marital status. HUD has already received complaints that this rule has been violated and is pursuing enforcement actions against alleged violators. Additionally, HUD no longer sends its funds to entities that violate state and local laws, such as the Illinois Human Rights Act, that specifically prohibit sexual orientation, gender identity, and marital status housing discrimination. In addition to these important policy changes, last year, the Obama Administration hosted the first-ever forum to discuss issues facing transgender and gender non-conforming populations and, as a follow-up, HUD co-sponsored the first summit about the pressing and growing need of housing services for elderly persons who are lesbian, gay, bisexual, and transgender (LGBT). Finally, HUD’s “Live Free” campaign puts a face to the law and builds public recognition of Fair Housing principles.

Because the State of Illinois has its own fair housing law that is substantially equivalent to federal law, HUD and the Illinois Department of Human Rights are able to work closely and

support each other's work in a meaningful way. To ensure LGBT discrimination does not occur, the Illinois Human Rights Act was amended in 2005 to specifically prohibit sexual orientation and gender identity discrimination. Unlawful housing discrimination based on sexual orientation or gender identity occurs when access to housing is denied or when people are treated differently in housing based on their LGBT status. Similar to the federal Fair Housing Act, the Illinois law prohibits unlawful discrimination in the sale and rental of real property and in the terms and conditions of a real estate transaction. The law also prohibits unlawful discrimination in brokering or appraising real property, mortgage lending and in advertising. It is also illegal to coerce someone to discriminate or to intimidate someone to the extent that it interferes with their legal right to enjoy their housing. Since 2006, the Illinois Department of Human Rights has investigated numerous cases of housing discrimination based on sexual orientation or gender identity and has sought and obtained remedies for victims of discrimination. Some examples of complaints:

- A gay couple applied for a one-bedroom apartment, but the owner refused to rent to them once she learned they were both men;
- A married couple were denied rental based on the transgender status of the wife; and
- A lesbian couple alleged that after renting to them, the property manager refused to make needed repairs and made disparaging comments about their sexual orientation.

These incidents should not happen. Nor should LGBT individuals and families feel compelled to hide identities in order to secure the apartment or house they want. If you believe you were a victim of housing discrimination, contact HUD at (800) 669-9777 or the Illinois Department of Human Rights at (312) 814-6229 for help.

Sincerely,

John Trasviña, Assistant Secretary
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